

In the United States District Court
for the Eastern District of Texas
Lufkin Division

Rodney Mahan, John Henley, III,
Joel Barton, Jr., John Riggins,
and Justin Sikes
Plaintiffs

v.

The Texas Department of Public Safety,
Steven McCraw, and Steven Mach
Defendants.

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§

Civil Action No. 9:20-cv-00119

Jury

Exhibit to Defendants' Motion for Summary Judgment with Brief in Support

EXHIBIT C

Deposition of Joel Barton, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RODNEY MAHAN; JOHN HENLEY,)	
III; JOEL BARTON, JR.;)	
JOHN RIGGINS; and JUSTIN)	
SIKES,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL NO. 9:20-cv-00119
)	
THE TEXAS DEPARTMENT OF)	
PUBLIC SAFETY, STEVEN)	
McCRAW, AND STEVEN MACH,)	
)	
Defendants.)	

REMOTE ORAL DEPOSITION OF

JOEL BARTON, JR.

Wednesday, March 31, 2021

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF JOEL BARTON, JR., produced as a witness at the instance of the Defendants, The Texas Department of Public Safety, Steven McCraw, and Steven Mach, and duly sworn, was taken in the above-styled and numbered cause on March 31, 2021, from 9:53 a.m. to 10:41 a.m., before Sharon Ross, Certified Shorthand Reporter, reported remotely by computerized stenotype machine, pursuant to the Notice and/or any provisions stated on the record or attached hereto.

Reported by:
SHARON ROSS, Texas CSR #1961,
Hawaii CSR #432, RMR, CRR, CRC
Realtime Systems Administrator

1 Q. All right. How long had you been with DPS at
2 that point?

3 A. Right at 12 years. I was -- as a matter of fact,
4 this March would have been my 12-year anniversary.

5 Q. All right. Did you --

6 A. So I was right at --

7 Q. Had you vested -- fully vested for your
8 retirement at that point when you resigned?

9 A. Yes, sir.

10 Q. Did you resign on your own accord?

11 A. Yes, sir, yeah, because -- yes, sir, I did.

12 Q. Were you -- during your time at DPS, were you
13 ever suspended?

14 A. No, sir.

15 Q. Were you ever terminated?

16 A. No, sir.

17 Q. During your time with DPS, did you ever ask for a
18 chain-of-command review?

19 A. I guess -- I don't understand by chain-of-command
20 review.

21 Q. I -- I'm talking about the policy regarding
22 conflict management and dispute resolution. Are you
23 familiar with that?

24 A. Yes.

25 Q. Okay. As I understand it, you can ask for a

1 chain-of-command review with regards to any personnel
2 actions against you. Do you understand that?

3 A. Yes, sir.

4 Q. Did you ever request that during your time with
5 DPS?

6 A. I never made a formal request; but I did reach
7 out to my old sergeant, which was my new lieutenant, and
8 discussed everything that was going on with him and what
9 was happening.

10 Q. All right. Did you request formal mediation with
11 regards to any personnel actions with your time --
12 during your time at DPS?

13 A. No, sir. I never had any formal request.

14 Q. As I understand it, you claim that -- you had the
15 belief that Sergeant Shugart had violated the law; is
16 that correct?

17 A. Yes, sir.

18 Q. Did you ever report that belief to any law
19 enforcement agency or prosecutorial authority?

20 A. All I did was just report it, you know, basically
21 with the chain of command, which the whole chain of
22 command was there that day.

23 And it was reported, I guess, when the litigation
24 actually kicked off; but prior to that I'm thinking
25 it's -- over on dates we had a -- a division referral

1 It's not fun.

2 A. No.

3 Q. I'm glad you're feeling better.

4 A. Yes, sir. Thank you.

5 Q. Okay. So would it be safe to say since you
6 retired and -- your blood pressure's improved?

7 A. Yes.

8 Q. Well, I retire in three months; and I'm hoping my
9 blood pressure gets better, too.

10 A. I hope it does.

11 Q. Okay. During your time with DPS, were -- were
12 you ever demoted?

13 A. No, sir.

14 Q. Were you -- was your salary ever lowered?

15 A. No, sir.

16 Q. Okay. As I understand your lawsuit, you claim
17 that you suffered some adverse political action -- or
18 adverse personnel actions, correct?

19 A. Yes, sir.

20 Q. Okay. I want to go through those with you, if
21 you don't mind. Is there one or more than one?

22 A. Oh, there's several instances over the duration
23 of time.

24 Q. Okay. Well, let's just go through the ones that
25 you can think of that particularly stand out to you, all

1 Q. -- you know, don't -- I'm not going to hold you
2 to that.

3 Okay. What would be the next adverse personnel
4 action that you want to talk about?

5 A. Well, so then it just continually spiraled down
6 from there because that -- following -- well, that
7 February is whenever there was the area meeting to where
8 all the awards were given out where the whole chain of
9 command is there giving awards out.

10 And so I'm sitting there in disbelief with that
11 within myself. So once I didn't -- I wasn't a fan of
12 that that day. Of course, he was already on me because
13 he just -- he basically told me, not even knowing me,
14 that I sucked as a trooper and he didn't like me.

15 So that was pretty clear. So then he rocks on
16 throughout the year; and it's just constant nitpicked
17 and scheduling me, like, 3:00 a.m. shifts and -- which,
18 granted, I guess everybody had to work their round of
19 them.

20 But it's just over-scrutinizing all my paperwork.
21 I couldn't turn in a weekly report. I couldn't turn in
22 a crash without simple stuff that -- you know, 12 years
23 with the department, I should be able to, you know, get
24 through. I've never had issues before.

25 Then you fast-forward it, then he gives me a

1 be clear, we're talking about your dealings with
2 Sergeant Shugart at that point, correct?

3 A. At this point, yes, sir.

4 Q. Okay. Just so we're clear on the record. Okay.

5 A. Okay. So while I'm speaking to him about this --
6 and I got to apologize, but I just thought about this.
7 And we were sitting there in that office; and he took
8 papers and stacked them together on his desk like that,
9 threw them to the side.

10 And he pulled his glasses down, and he looked at
11 me -- and I'll never forget it because he looked at
12 me -- he said: I just want you to know I'm fully aware
13 of this little investigation, referring back to the
14 Currie investigation.

15 I said: Okay. I said: I'm -- you know, I'm
16 aware of it, too. I said: What is it you want me to
17 do?

18 And that's whenever he just went on his tirade
19 about the investigation, the division referral, and then
20 doing the background and so....

21 Q. Okay. Mr. Barton, during your 12 -- I think you
22 said 12 years with DPS, right?

23 A. Yeah, right at 12. It's not a full 12. I wish
24 it would have been.

25 Q. Fair enough. No. So let's just say during your

1 time with DPS, did you -- did you ever receive a C1?

2 A. No, sir.

3 Q. Okay.

4 A. I'll -- I don't even -- yeah, I don't even think
5 I've even had a complaint in my personnel file from a
6 citizen.

7 Q. Okay. And just to be clear on the record, we all
8 know a C1 is a disciplinary action that can be taken
9 against a DPS employee, correct?

10 A. Correct.

11 Q. All right. During your time with Sergeant
12 Shugart as your sergeant, were you ever transferred?

13 A. No, sir. I was never transferred out of the
14 area, no, sir.

15 Q. And during your time with Sergeant Shugart, I
16 assume you received some evaluations -- is that
17 correct -- performance evaluations?

18 A. Yes, sir. I did -- I did receive performance
19 evaluations, and I used to -- I'm not going to sit here
20 and tell you that I was this big superstar trooper, but
21 I always got good evaluations.

22 I mean, I did not have to worry about, you know,
23 it's evaluation time. What am I going to get -- you
24 know.

25 Well, then, once he gets there, he starts